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July 7, 2023

VIA ECF

Hon. Nicholas G. Garaufis
United States District Court Judge
Eastern District of New York
225 Cadman Plaza East
Courtroom 4D South
Brooklyn, NY 11201

Re: *United States v. Jacob Daskal*, 21-cr-110 (NGG)

Dear Judge Garaufis:

We represent defendant Jacob Daskal in the above-referenced matter. We write to update the Court on the parties' preparation for the two-way video conference technology ("VCT") to be utilized to present the possible testimony of Rivka Finkel, the defendant's proffered witness who resides in Jerusalem, Israel.

As directed by the Court, a remote status conference was held before Magistrate Judge Lois Bloom on July 6, 2023. At this conference, the parties reported that the Microsoft Teams video-conference platform was tested in the courtroom. A transmission from the U.S. Embassy in Jerusalem connected to the courtroom's technology platform without incident. This will be the same connection that will be employed in the courtroom.

The parties have conferred and agreed to a date and time-specific schedule for Ms. Finkel's testimony, if needed. Specifically, Ms. Finkel was informed to report to the U.S. Embassy in Jerusalem on Tuesday, July 25, 2023, to allow testimony to commence at 9:30 a.m. EDT (4:30 p.m. local time in Jerusalem). The parties agreed to take her testimony out-of-order, if necessary, to preserve this time slot at the Embassy.

Finally, because the VCT technology does not allow document-sharing electronically on the two-way screen, the parties were advised to confer and send any trial exhibits that might be utilized during her testimony to the U.S. Embassy in Jerusalem, so that the witness will have physical documents before her to refer to during the testimony.

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For the record, the defense continues to object to this form of presentation of an important trial witness's testimony as not adequately allowing counsel to confront this witness in-person in Jerusalem, as provided for under Rule 15 of the Federal Rules of Criminal Procedure, and under the Due Process and Confrontation Clauses of the U.S. Constitution. *See* Fifth and Sixth Amend., U.S. Const.

If there are any additional queries the Court has on these logistical issues, we are prepared to address them at the final Pretrial Conference scheduled for next week on July 12, 2023.

Respectfully submitted,

/s/ HEM

Henry E. Mazurek

Ilana Haramati

Counsel for Defendant Jacob Daskal

cc: Counsel of Record (*via ECF*)